

REMARKS

Claims 1-3 and 5, 6, 9, and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Reference B3 as illuminated by Reference C1. Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the documents B3 and C1, in view of CHEMICAL ENGINEER'S HANDBOOK. Applicant respectfully traverses each rejection.

Notwithstanding Applicant's objection, Applicant believes that claim 1, as amended, and claims 2, 3, 5, 6, 9, and 10, which depend from claim 1 are neither anticipated by nor obvious in view of References B3 and C1, for the reasons set forth below.

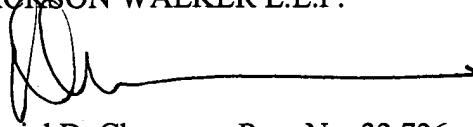
Claim 1, as amended, calls for the separate storage of aggregate from oil and gas waste at the third site. Neither the B3 nor C1 reference disclose this separate storage. Because this element of claim 1 is missing from the cited references, neither, alone or together, anticipates or renders obvious claim 1, as amended. Further, since claims 2, 3, 5, 6, 9, and 10 ultimately depend from claim 1, they are neither anticipated nor rendered obvious by the cited references.

As to the provisional rejection under the obviousness type double patenting over the '410 application, Applicant asks if the Examiner will hold such rejection in abeyance until consideration of this response.

In view of the above, Applicant respectfully requests reconsideration.

Thank you for your reconsideration.

Respectfully submitted,
JACKSON WALKER L.L.P.



Daniel D. Chapman, Reg. No. 32,726
112 E. Pecan Street, Suite 2100
San Antonio, Texas 78205
Phone: (210) 978-7700
Fax: (210) 978-7790
Attorneys for Applicant

Date: March 9 '06



CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Mail Stop: Response, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
<input type="checkbox"/> With sufficient postage as First Class Mail.	<input type="checkbox"/> As "Express Mail Post Office to Addressee", Mailing Label No. <u>EVH1006223 US</u>
Date: _____, 2006	Date: <u>MAR. 9</u> , 2006

Shirley McIntyre
Shirley McIntyre